

APPLICATION FOR ENCROACHMENT PERMIT

(to be completed by applicant)

Sprint Communications Co. hereby request permission to install a fiber optic telecommunications cable per the plans for the AT & SF Commuter Rail Project Adams Street via bore. (CP6) Project # 92763017 (copy attached) in the public right-of-way. The attached drawing shows the requested encroachment. Upon issuance of this permit, Permittee agrees to comply with the attached terms and conditions.

Date Feb 28, 1994

Sprint Communications Company

By Ed Cawto
Title Real Estate Dept.

ENCROACHMENT PERMIT APPROVAL

(to be completed by city)

This permit shall become effective upon the approval of the Departments listed below. Issuance of this permit shall not be construed as a waiver of any other applicable permit or requirement, but is only revocable permission to use the land for the purpose described.

X Public Utilities Water B. Simpson 3/15/94
X Public Utilities Electric M. J. Toulli

Upon obtaining the above signatures, return this permit to the Public Works Department for final approval.

Date 3/15/94

Barry Beal
Public Works Director

Attachments: Terms and Conditions
Sprint Plans (Project # 92763017)

Encroachment Permit No. E-1265

TERMS AND CONDITIONS

The following terms and conditions apply to encroachment permit number E-1265.

1. Permittee acknowledges that the area of encroachment ("the area") is owned or controlled by the City of Riverside.
2. Permittee acknowledges that the area could at any time be needed for a proposed or planned public improvement and the City may revoke this permit if the area becomes so needed. Upon written notice of revocation, Permittee shall, within the time prescribed by the City, remove all improvements placed, constructed or maintained by Permittee. If Permittee fails to abide by the removal order of the City, the City shall have the right to remove and destroy the improvements without reimbursement to Permittee. The cost of such removal shall constitute a debt owed to the City and shall be paid by Permittee to the City.
3. Permittee waives the right of claim, loss, damage or action against the City resulting from revocation, termination, removal of improvements or any action of the City, its officers, agents or employees taken in accordance with the terms herein.
4. If the City Council of the City of Riverside finds that Permittee is in default of the terms of this permit, that finding shall be cause for revocation.
5. Permittee shall hold the City of Riverside harmless from and against all claims demands, costs, losses, damages, injuries, actions for damages and/or injuries, and liability in connection with the construction, encroachment, and/or maintenance to be done by Permittee within the area. Permittee also waives and releases any and all claims against the City of Riverside and its officers and employees for future losses, expenses, lost revenues and incidental and consequential damages suffered by Permittee as a result of the City's negligently damaging Permittee's installation, except for the reasonable cost of repair.
6. Before commencing any construction on City controlled property, Permittee shall obtain a Construction Permit or Street Opening Permit from the City Public Works Department.
7. Permittee shall insure that construction of Permittee's improvements will not interfere in any way with existing City or utility facilities. The existing City facilities will require future maintenance, reconstruction and revisions and facilities may be added, any of which may

result in removal or alteration of Permittee's improvements without reimbursement to the Permittee.

Whenever the City causes the grading, widening, or other City improvement of the area and such grading, widening, or other City improvement requires the relocation of Permittee's then-existing facilities within the area, the City shall:

Provide Permittee, within a reasonable time prior to the commencement of such grading or widening, written notice requesting such relocation; and

Provide Permittee with copies of any available plans and specifications for such grading or widening.

After receipt of such notice and such plans and specifications, Permittee shall relocate such facilities within the area to a place or area made available by the City and such relocation shall be at no charge to the City.

8. Prior to construction, Permittee shall contact Underground Service Alert to field locate existing utility lines. Any conflicts discovered will suspend the permit until acceptable revisions are made.
9. At the end of construction, Permittee shall furnish a complete set of as-built plans that, in addition to showing usual construction details, shall also adequately show the horizontal and vertical alignment of Permittee's installations and appurtenances.
10. Other _____

Date FEB. 28-94

SPRINT COMMUNICATIONS CO.

By

Ed Crowder

Title

Real Estate Dept.